

## **REMARKS**

Applicant appreciates the consideration of the response to the previous Office Action. The applicant has thoroughly studied the Office Action of February 6, 2009 and has submitted this amendment in response to that Office Action. Reconsideration of this application, as amended, is earnestly requested.

Claims 22 and 42 are amended as shown above. Claims 29 and 43 have been cancelled without prejudice, and claims 1-21 previously have been cancelled without prejudice. Claims 22-28 and 44-46 remain pending in the application with claims 22 and 42 being the independent claims.

Claims 22-23 and 39-44 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Stratton (US 6,538,185) in view of Yamaha MFC10 MIDI Foot Controller cited in US 2004/0060522, claim 35 as being unpatentable over Stratton in view of MFC10 and further in view of Blish (US 7,372,453), and claim 38 as being unpatentable over Stratton in view of MFC10 and further in view of Gillaspay (US 5,506,371). Claims 35-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant respectfully traverses these rejections, and requests reconsideration and allowance of the pending claims in view of the following arguments.

The applicant appreciates the acknowledgment of allowable matter in dependent claims 35-37.

### **103 Rejections**

Applicant acknowledges the Examiner's position with respect to the applicability of Stratton to independent claims 22 and 42; however, the applicant disagrees with the Examiner's position relating to the interpretation of Stratton's mounting locations defining the apertures of the independent claims, and

reiterates the arguments provided in the response to the Office Action of July 30, 2008.

In the interest of advancing the prosecution, claims 22 and 42 have been amended to include the limitations of “a control signal distribution infrastructure associated with said mounting frame” and “an electrical power distribution infrastructure associated with said mounting frame.” The electrical power distribution infrastructure is a limitation of claims 29 and 43, now cancelled. These amendments introduce no new matter and find support in the specification as originally filed in at least paragraphs [0121-0129] and [0273].

Claims 29 and 43 are rejected as being unpatentable in view of Stratton, see Office Action, p. 4 (“Regarding claims 29 and 43, Stratton discloses the use of a distributed power supply (see Stratton's claim 5)). Applicant disagrees.

Stratton claim 5 discloses only a power supply, and not an infrastructure for electrical power distribution. Other portions of Stratton do not elaborate power distribution other than the presence of a power supply, for example, Abstract (“The receptacle contains a top tier of flat, fixed pitch panels including a power supply and an audio circuit interface”), col. 1: 57-61 (“to provide such a pedal board which includes a power supply and audio circuit interface controls to make more orderly the amount of wires and cables which would otherwise be necessary to connect the sound effect generators to amplifiers”), col. 2: 11-13 (“The receptacle includes a generally level top tier including a power supply and audio circuit interface”), col. 2: 64 – col. 3: 1 (“The top tier 22 includes a power supply and audio circuit connector box 27 having a fuse carrier or reset button 28, on/off switch 29, power supply plug in receptacle 30 and a plurality of special effects out put jack receptacles 32.”), and col. 3: 39-45 (“The foot pedals are connected by wires running through holes in the tier panels and then directly into the junction box 27 which are run through the wiring passages 20, and connect to jack receptacles 45 in the lower body of the box 27. Power lines may also be run through the same passages.”)

The Examiner overstates the Stratton teaching. There is no power distribution system, only a power supply and at best passages for running power lines. Additionally, applicant's previous and amended claims also explicitly recite electrical power interfaces as part of the electric power distribution system. These electrical power interfaces are also not taught by Stratton.

Applicant believes that claims 29 and 43 are patentable over Stratton, and since independent claims 22 and 42 are now amended with this limitation, independent claims 22 and 42 are patentable as well. In addition, the limitation of a control signal distribution infrastructure is not taught by Stratton, and claims 22 and 42 are patentable over Stratton for at least this additional reason.

New claims 45 and 46 are added to further define "the control signal distribution infrastructure further provides incoming control signals to at least one foot controller module." These limitations are not taught by the art of record. Support for the control signal elements added to claims 22 and 42 and the new dependent claims 45 and 46 is provided in Figure 8, Figure 9b, and paragraphs [0011] - [0120], [0138], and [0273] of the pre-grant publication. No new matter has been added.

As set forth in MPEP 2143, to show a *prima facie* case for obviousness, all the prior art references, either individually or combined, must teach all the claim limitations. None of Stratton and the Yamaha MFC10 MIDI Foot Controller teach the "a control signal distribution infrastructure associated with said mounting frame" and "an electrical power distribution infrastructure associated with said mounting frame," and applicant submits that a *prima facie* case for obviousness has not been shown and that independent claims 22 and 42 are patentable over the cited prior art. In addition, dependent claims 23-28, 30-41, and 43-46 are patentable as well by depending from a patentable independent claim.

## **CONCLUSION**

In view of the above amendments and remarks, applicant respectfully requests reconsideration and withdrawal of the rejections, and an early indication of the allowance of the claims. Applicant believes the claims are in condition for allowance and respectfully solicit favorable action.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If any points remain at issue that the Examiner feels may be best resolved through a telephone interview, the Examiner is kindly invited to contact the undersigned by telephone at (909) 621-2059 or by email at cwschmoyer@yahoo.com.

Respectfully submitted,

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